

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

771C0074

SENATE LOCAL GOVERNMENT COMMITTEE ENGROSSED NO. **SB33** - 1/19/99

Introduced by: The Committee on Local Government at the request of the State Board of
Elections

1 FOR AN ACT ENTITLED, An Act to create a procedure for challenging certain nominating,
2 initiative, or referendum petitions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Within five business days after a nominating, initiative, or referendum petition is
5 filed with the appropriate officer, any interested person who has researched the signatures
6 contained on the petition may file an affidavit stating that the petition contains deficiencies as to
7 the number of signatures from persons who are eligible to sign the petition. The affidavit shall
8 include an itemized listing of the specific deficiencies in question.

9 Section 2. The appropriate officer shall verify the information contained in the affidavit filed
10 pursuant to section 1 of this Act and make a written declaration regarding the validity of the
11 signatures in question. The officer shall verify that each person was a registered voter at the time
12 the person signed the petition by using the registration documents on file in the office of the
13 county auditor.

14 Section 3. The person in charge of the election shall immediately notify by certified mail any
15 candidate whose nominating petition or any primary sponsor whose referendum or initiative

1 petition is rejected and declared invalid in accordance with this Act.

2 Section 4. If a person fails to challenge a petition pursuant to section 1 of this Act, it does
3 not deny that person any other legal remedy to challenge the filing of a nominating, initiative, or
4 referendum petition.

1 **BILL HISTORY**

2 1/12/99 First read in Senate and referred to Local Government. S.J. 21

3 1/16/99 Scheduled for Committee hearing on this date.

4 1/16/99 Local Government Do Pass Amended, Passed, AYES 6, NAYS 1. S.J. 58